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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSHUA GERSTEIN,  
Plaintiff,  
v.  
CENTRAL INTELLIGENCE AGENCY,  
et al.,  
Defendant.

Case No. C 06-04643 MMC

**STIPULATION TO EXTEND  
DEFENDANTS' BRIEFING DEADLINE  
FOR RENEWED MOTION FOR  
SUMMARY JUDGMENT; ORDER**

The parties hereby stipulate to a two-week extension of the deadline for defendants' renewed motion for summary judgment set pursuant to the Court's September 26, 2008 Order.

The bases for this stipulation are as follows:

1. Pursuant to the September 26 Order, defendants were to file a renewed motion for summary judgment with respect to two categories of documents: (1) the withholding by the Central Intelligence Agency (CIA) of fourteen documents referred by the Department of Justice (DOJ) pursuant to Exemption 3 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552; and

STIPULATION TO EXTEND DEFS.' BRIEFING DEADLINE FOR RENEWED SJ  
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(2) the withholding of documents by the Office of Professional Responsibility (OPR), an office within DOJ. The September 26 Order allowed defendants the opportunity to supplement their motions for summary judgment in order to further explain the basis for applications of FOIA Exemptions to these two categories of documents by November 21, 2008.

2. Since receipt of the September 26, 2008 Order, defendants' counsel has been coordinating the government's response thereto. Government counsel must attend a hearing in Reno, Nevada on November 19, 2008, thus requiring her absence from the office for three days (*i.e.*, November 18-20, 2008). Further, she has not yet received all of the information necessary for preparation of the renewed motion for summary judgment to be filed on behalf of CIA and OPR. Because of the Thanksgiving holiday, counsel believes that a period of two weeks is required in order to finalize the motion.

3. Plaintiff stipulates to the request for a two-week extension of time, or until December 5, 2008, for defendants to file their papers.

Accordingly, the parties stipulate to extend the defendants' briefing deadline by two weeks, or until December 5, 2008.

Respectfully submitted,

JOSHUA GERSTEIN

GREGORY A. KATSAS  
Assistant Attorney General

/s/

Plaintiff

/s/

Carlotta P. Wells  
Senior Trial Counsel  
United States Department of Justice  
Civil Division  
Federal Programs Branch

Dated: November 17, 2008


Dated: November 17, 2008

~~PROPOSED~~ ORDER

Upon consideration of the parties' stipulation, the briefing deadline set by the September 26, 2008 Order is extended by two weeks, to reflect that defendants' renewed motion for summary judgment is due no later than December 5, 2008.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 18, 2008

  
MAXINE M. CHESNEY  
United States District Judge